

Working With Court Interpreters

2023 Spring Youth Defender Certification Training

March 22, 2023

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Yeah, who needs me, a qualified interpreter? Go ahead, doctor, practice your Spanish. (I'll try my hand at diagnosing this guy, via Google.)

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Who are foreign language court interpreters?

- Foreign language court interpreters are **HIGHLY SKILLED** professionals who fulfill an essential role in the administration of justice.
- Foreign language court interpreters must:
 - Perform at a very high level in the three modes of interpreting;
 - Be knowledgeable of court procedures and protocol; and
 - Maintain high ethical standards required by the Mississippi Code of Ethics for Court Interpreters and the Rules on Standards for Court Interpreters.

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What is the role of the interpreter?

- The interpreter becomes an officer of the court after taking the oath.
- The interpreter is a neutral party in an adversarial system.
- The interpreter provides language access for Limited English Proficient (LEP) parties for court and court-ordered matters.
- The interpreter takes an oath to interpret everything faithfully and accurately.

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Three Types of Interpreters

- Certified
- Registered
- Non-credentialed
 - Court interpreter who has not been designated as certified or registered by the AOC

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Credentialed Interpreters

REGISTERED INTERPRETERS

1. Attended the 2-day Ethics and Skills Building Workshop
2. Passed an approved criterion-referenced written exam, with a score of 80% or more
3. Passed a criminal background check
4. Completed citizenship form
5. Signed interpreter oath

CERTIFIED INTERPRETERS

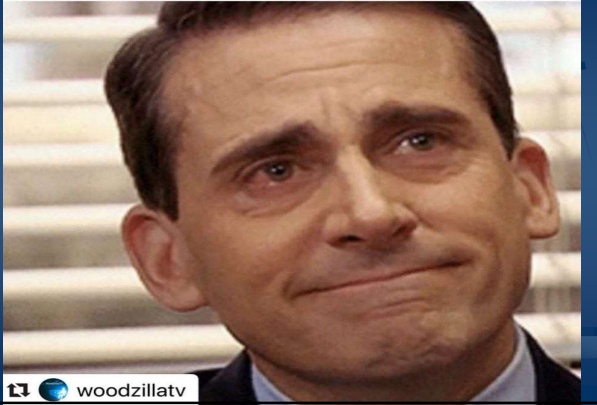
1. Completed all five requirements for "Registered" designation
2. Passed the three-part Oral Performance Exam

Interpreters are **not** employees of the AOC.

Interpreters are independent contractors who negotiate compensation with the appointing court.

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When someone actually knows the difference between translator and interpreter



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INTERPRETING v. TRANSLATING

- Interpreting: transferring a verbal message from the source language into a verbal message in the target language
- Translating: transferring a written message from the source language into a written message in the target language
- While one may be both an interpreter and translator, completely different skills are required to perform the two actions.

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**“Doctors are your
lifesavers,
lawyers are your
advocates,
translators and
interpreters
are your voice.”**



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Why do we need court interpreters?

- In Florida a Spanish speaking Cuban was sentenced to 15 years in prison and 15 years probation for stealing a dump truck. He was told by his unqualified interpreter that he was pleading guilty to stealing a toolbox, a misdemeanor. That conviction was reversed.
- A Spanish speaker went to small claims court to collect on a \$2000 bad check given to him by his boss. The court would not provide an interpreter and summarily dismissed his case because the court could not understand him.
- A Massachusetts woman seeking a domestic violence restraining order testified that her abuser told her "I want you dead." The interpreter translated the statement as "He scolded me."
- A Spanish speaking woman in Missouri received court papers written in English. The papers were a summons to court for a termination of parental rights hearing. No one translated the papers. Her rights were terminated, her son adopted, and his whereabouts are unknown.
- In New York, an Arabic-speaking non-custodial mother was denied visits with her child because an Arabic interpreter could not be found. After months of delay, she was granted supervised visitation only if she spoke English to her child. She was forbidden to speak Arabic to her child. **The mother cannot speak English.**

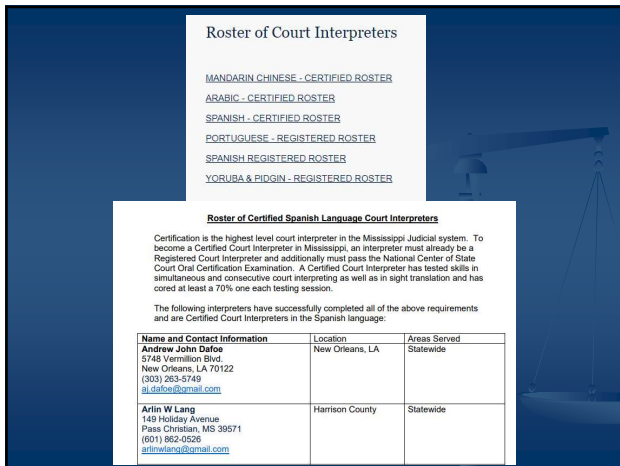
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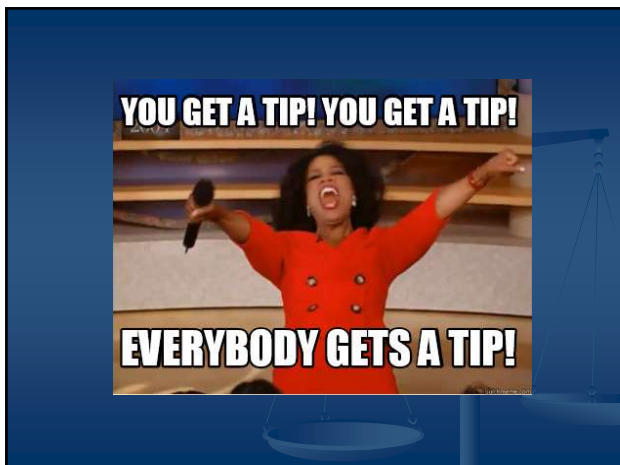
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Tips for Working With Court Interpreters

- Direct your comments and questions to the LEP individual - NOT to the court interpreter.
- SLOW DOWN - make sure everyone speaks one at a time.
- Provide the court interpreter pertinent documents before the hearing.
- Do not ask the court interpreter to explain anything to the LEP individual.
- Court interpreters interpret all communications accurately without adding or omitting anything.
- Clarify abbreviations.
- Don't ask the interpreter not to interpret something.
- Be patient.
- Avoid interrupting.
- Try not to use too much fancy legal jargon.
- Make sure there are no conflicts with the interpreter.

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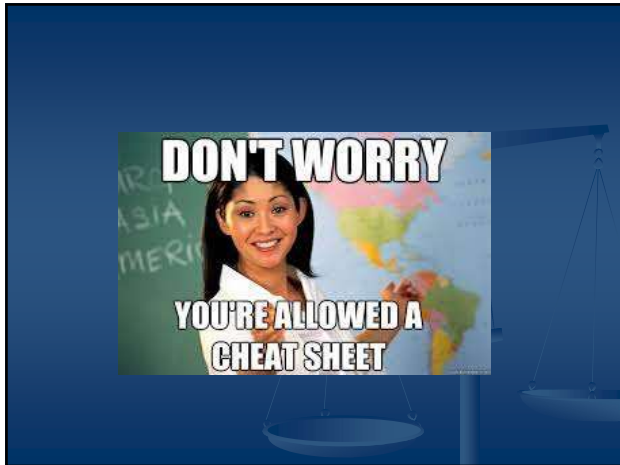


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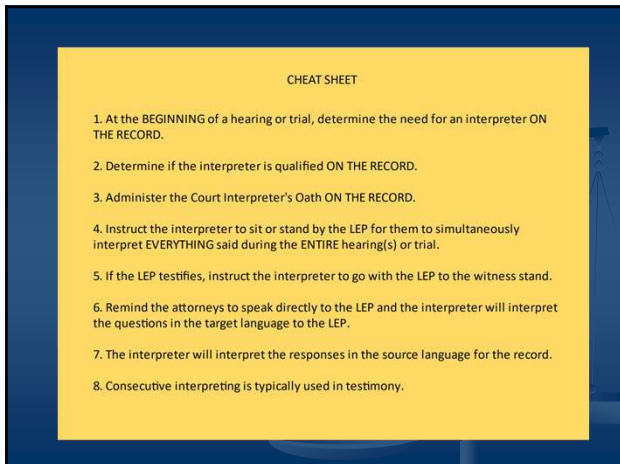
Signs That Things Are Not Going Well

- The hearing is taking place and the interpreter is not interpreting.
- The court interpreter should be simultaneously interpreting EVERYTHING.
- Your client starts speaking in broken English.
- Chances are the interpreter is not correctly interpreting your client.
- The interpretation is too long.
- The interpreter might be saying more than what should be interpreted.
- The interpretation is too short.
- The interpreter might be summarizing.

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The right to an interpreter is guaranteed by:

- 4th, 5th, 6th, and 14th Amendments
- Federal Court Interpreter Act (1978, Amendment, 1988)
- Civil Rights Act of 1964
 - 42 U.S.C. § 2000d *et seq.* (Title VI)
 - *Lau v. Nichols*, 414 U.S. 563 (1974): Failing to take reasonable steps to ensure meaningful access for LEP persons is a form of national origin discrimination prohibited by Title VI.
- Omnibus Crime Control and Safe Streets Act of 1968
 - 42 U.S.C § 3789d(c) (Safe Streets Act)

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- The constitutional guarantee of due process applies to everyone in this country, not just fluent English-speakers.
- In America, state justice systems are required to ensure that all people, regardless of their primary language, have equal access to a fair trial and that includes the right to an interpreter.

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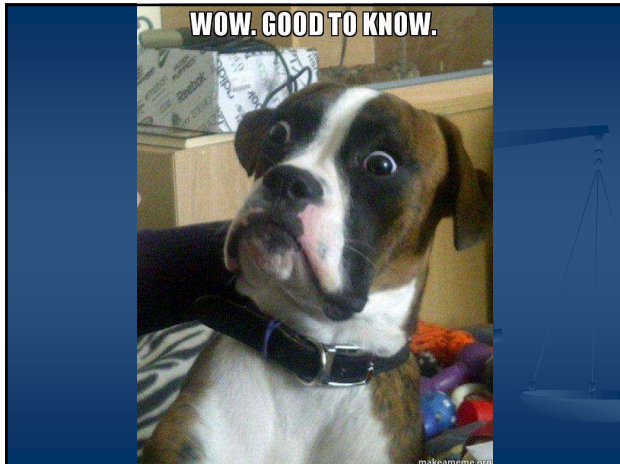
Department of Justice

- **Executive Order 13166** – Improving Access to Services for Persons with Limited English Proficiency
- **Letter to State Court Administrators (Dec. 1, 2003)** – Reminding states that “most, if not all,” state courts receive federal monies in some way, shape, or form.
- **DOJ Memorandum (June 28, 2010)** – “It is the policy of the Department of Justice to ensure that limited English proficient (LEP) persons can meaningfully access all programs and activities conducted both by the Department and by entities receiving funding from the Department.”

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- Language Access Guidance letter to State Courts from Assistant Attorney General Thomas E. Perez (from DOJ) (August 17, 2010) – “Dispensing justice fairly, efficiently, and accurately is a cornerstone of the judiciary. Policies and practices that deny LEP persons meaningful access to the courts undermine that cornerstone. They may also place state courts in violation of long-standing civil rights requirements.”

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Certain LEP persons who are not litigants or witnesses have legal decision-making authority regarding the matter before the Court. Such persons should be provided interpreter services throughout the proceedings and for all interactions with the Court.

Some examples:

Parents or legal guardians of minor children where the child is involved in the matter but where the parent or guardian is not a named party.

LEP parents of a minor child involved in a juvenile action should be provided interpreter services throughout the legal proceeding and to communicate with counsel.

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Contact Information

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http://courts.ms.gov/aoc/courtinterpreter/aoc_courtinterpreter.html
